

CLOSED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01238-ABJ**

KAPENDE et al v. UNITED STATES DEPARTMENT OF
HOMELAND SECURITY

Assigned to: Judge Amy Berman Jackson

Cases: 1:13-cv-01566-ABJ

1:15-cv-00459-RBW

1:17-cv-01924-RC

Cause: 05:552 Freedom of Information Act

Plaintiff

KAPS KAPENDE

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Plaintiff

ANNIE KASEKA

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Plaintiff

CATHOLIC CHARITIES

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V.

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

represented by **Melanie Dyani Hendry**
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Date Filed	#	Docket Text
05/29/2018	<u>1</u>	COMPLAINT against DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5503410) filed by KAPS KAPENDE. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Civil Cover Sheet, # <u>12</u> Notice to Counsel/Party, # <u>13</u> Summons, # <u>14</u> Summons, # <u>15</u> Summons)(Cleveland, David) (Entered: 05/29/2018)

05/29/2018	<u>2</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 13–1566, 17–1924, 15–459. (zsb) (Entered: 05/30/2018)
05/30/2018		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 05/30/2018)
05/30/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 05/30/2018)
05/30/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/30/2018. Answer due for ALL FEDERAL DEFENDANTS by 6/29/2018. (Cleveland, David) (Entered: 05/30/2018)
06/04/2018		MINUTE ORDER. Plaintiffs filed <u>2</u> a Notice of Related Case(s) in which they assert that two other pending cases in this district are "somewhat related" to the present case. The Court finds that no action needs to be taken pursuant to Local Civil Rule 40.5. Signed by Judge Amy Berman Jackson on 06/04/2018. (lcabj3) (Entered: 06/04/2018)
06/08/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/01/2018. (Cleveland, David) (Entered: 06/08/2018)
06/22/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/21/2018 (Cleveland, David) (Entered: 06/22/2018)
06/28/2018	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Hendry, Melanie) (Entered: 06/28/2018)
06/28/2018		MINUTE ORDER granting <u>7</u> Motion for Extension of Time. Defendant must respond to the complaint by July 20, 2018. Signed by Judge Amy Berman Jackson on 06/28/2018. (lcabj3) (Entered: 06/28/2018)
07/20/2018	<u>8</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Hendry, Melanie) (Entered: 07/20/2018)
07/20/2018		VACATED PURSUANT TO MINUTE ORDER FILED 08/09/18.....MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before August 17, 2018. Signed by Judge Amy Berman Jackson on 07/20/2018. (lcabj3) Modified on 8/12/2018 (jth). (Entered: 07/20/2018)
07/20/2018		Set/Reset Deadlines: Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, by 8/17/2018. (jth) (Entered: 07/26/2018)
07/31/2018	<u>9</u>	First MOTION for Order <i>To Require Response of DHS</i> by KAPS KAPENDE (Cleveland, David) (Entered: 07/31/2018)
08/08/2018	<u>10</u>	MOTION for Summary Judgment by KAPS KAPENDE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Cleveland, David) (Entered: 08/08/2018)
08/09/2018		MINUTE ORDER. The Court denies plaintiffs' <u>9</u> motion requesting that defendant be required to re–file an answer. This is a FOIA case and the complaint went well beyond the requirements of Federal Rule of Civil Procedure 8 when it included a significant number of legal assertions. Any legal issues that are relevant to the FOIA claims will be fully briefed in the dispositive motions in this case. Signed by Judge Amy Berman Jackson on 08/09/2018. (lcabj3) (Entered: 08/09/2018)
08/09/2018		MINUTE ORDER. The Court's Minute Order issued on July 20, 2018 is hereby vacated and the following briefing schedule is set: defendant's opposition (and cross motion, if any, supported by the same memorandum of points and authorities) will be due August 30, 2018; plaintiffs' reply (combined with its cross opposition, if necessary) will be due September 20, 2018; and defendant's cross reply, if any, will be

		due October 4, 2018. Signed by Judge Amy Berman Jackson on 08/09/2018. (lcabj3) (Entered: 08/09/2018)
08/29/2018	<u>11</u>	MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION for Summary Judgment <i>and Cross-Motion</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Hendry, Melanie) (Entered: 08/29/2018)
08/31/2018		MINUTE ORDER. The Court grants defendant's <u>11</u> Motion for Extension of Time to file its summary judgment opposition and cross-motion, notwithstanding plaintiffs' objections to the length of the extension. Defendant's opposition and cross motion, supported by the same memorandum of points and authorities, will be due September 20, 2018; plaintiffs' reply, combined with its cross opposition, will be due October 11, 2018; and defendant's cross reply will be due October 25, 2018. Signed by Judge Amy Berman Jackson on 08/31/2018. (lcabj3) (Entered: 08/31/2018)
09/20/2018	<u>12</u>	RESPONSE re <u>10</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration of Jill A. Eggleston, # <u>2</u> Statement of Facts)(Hendry, Melanie) (Entered: 09/20/2018)
09/20/2018	<u>13</u>	Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Declaration of Jill A. Eggleston, # <u>2</u> Statement of Facts)(Hendry, Melanie) (Entered: 09/20/2018)
10/04/2018	<u>14</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by KAPS KAPENDE. (Cleveland, David) (Entered: 10/04/2018)
10/04/2018	<u>15</u>	Memorandum in opposition to re <u>13</u> Cross MOTION for Summary Judgment filed by KAPS KAPENDE. (Attachments: # <u>1</u> Statement of Facts)(Cleveland, David) (Entered: 10/04/2018)
10/23/2018	<u>16</u>	MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Hendry, Melanie) (Entered: 10/23/2018)
10/24/2018		MINUTE ORDER. The Court hereby grants defendant's Motion for Extension of Time notwithstanding plaintiffs' objections to the length of the extension. Defendant must file its summary judgment reply by November 15, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/24/2018. (lcabj3) (Entered: 10/24/2018)
11/14/2018	<u>17</u>	MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Hendry, Melanie) (Entered: 11/14/2018)
11/15/2018	<u>18</u>	RESPONSE re <u>17</u> MOTION for Extension of Time to File Response/Reply filed by KAPS KAPENDE. (Cleveland, David) (Entered: 11/15/2018)
11/15/2018		MINUTE ORDER granting <u>17</u> Motion for Extension of Time. The original schedule in this case afforded the defendant two weeks to file a cross-reply, a week longer than the rather stingy seven days provided for in the Local Rules. On October 23, 2018 the defense requested a three week extension, which the Court granted over the plaintiffs' rather stingy objection. Now defendant is seeking another two weeks, bringing the total amount of time for the filing of the reply -- which should be short and to the point and should not repeat arguments set forth previously -- to seven weeks. Given the timing of the request and the Thanksgiving holiday, the Court appreciates why plaintiffs' counter proposal of five days is unreasonable. The Court will grant defendant's request but no further requests will be granted, and the matter will be fully briefed as of November 29, 2018 with or without the defendant's cross-reply. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/15/2018. (lcabj3) (Entered: 11/15/2018)
11/29/2018	<u>19</u>	REPLY to opposition to motion re <u>13</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 11/29/2018)
03/26/2019	<u>20</u>	ORDER. Pursuant to Federal Rules of Civil Procedure 56 and 58, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that plaintiffs' motion for summary judgment <u>10</u> is DENIED. It is FURTHER ORDERED that defendant's cross-motion for summary judgment <u>13</u> is GRANTED. This is final

		appealable order. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/26/2019. (lcabj3) (Entered: 03/26/2019)
03/26/2019	<u>21</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 03/26/2019. (lcabj3) (Entered: 03/26/2019)